

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No. 2011-53333
Issue No. 2012
Case No. ██████████
Hearing Date: October 13, 2011
Clinton County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 13, 2011.

ISSUE

Was Medicaid application mailed to the local DHS?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Approximately two weeks before October 1, 2011, the claimant picked up an application for Medicaid from the local DHS with a provided self-addressed envelope.
2. Before the beginning of October 2011, the claimant's mother assisted the claimant in filling out the application.
3. On or about the beginning of October, the claimant delivered the envelope with application to the local ████████ postal authority for delivery to the local DHS.
4. The DHS representative did not receive the envelope.
5. The DHS representative admitted that sometimes incoming mail gets misplaced or misdelivered.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

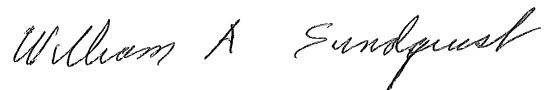
The undisputed evidence shows that the claimant mailed her Medicaid application to the DHS. But, the DHS never received it. The DHS caseworker testified that the [REDACTED] postal authority drops off the mail in a certain DHS location after which it is sorted and processed to the appropriate caseworker; and that sometimes the mail is misdelivered or misplaced.

This ALJ infers and concludes that the envelope was lost, misplaced or misdelivered by the [REDACTED] postal authority.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Medicaid application was mailed to the local DHS by the claimant.

Accordingly, Medicaid denial is REVERSED, and reinstatement of another application by the claimant and processing thereafter within ten workdays is ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 21, 2011

Date Mailed: October 21, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

2011-53333/WAS

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

WAS/tg

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